

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
Digital Television Distributed Transmission)	
System Technologies)	MB Docket No. 05-312
)	

To: The Commission

REPLY COMMENTS OF TVPLUS LLC

TVPlus LLC (“TVPlus”) hereby submits these reply comments in connection with the Clarification Order and Notice of Proposed Rulemaking in the above-captioned proceeding, which was issued by the Federal Communications Commission (the “Commission”) on November 4, 2005.

Like the majority of the parties that submitted comments in this proceeding, TVPlus enthusiastically supports the adoption of rules to authorize the use of DTS technology. As TVPlus explained in its initial Comments, DTS technology affords small, minority-owned broadcasters the opportunity to level the competitive playing field by permitting them to compete effectively in the markets in which they are located. In this regard, TVPlus urged the Commission to allow stations utilizing DTS to provide service throughout their designated market area (“DMA”), at least on a secondary basis, at the end of the DTV transition.

TVPlus advanced this so-called “DMA approach” because small business and minority-owned broadcasters generally operate stations in smaller, less desirable outlying communities that often are unable to serve the more densely populated portions of their

markets due to distance or terrain obstructions. Although these stations clearly are part of their FCC-defined market, and must compete with those stations that are more centrally located, they are unable to do so effectively due to the inherent geographic limitations of their allotments. Permitting stations that utilize DTS to provide service within their entire DMA would level the competitive playing field.

TVPlus submits these reply comments in order to encourage the Commission to reject the proposal advanced by The Association for Maximum Service Television, Inc. (“MSTV”) that would artificially and inequitably limit the benefits of service expansion to large, established broadcasters located in urban areas at the expense of small business and minority-owned broadcasters.

Like TVPlus, MSTV argued that the Commission should not reject out of hand the DMA approach. MSTV Comments at 10. Although MSTV recognizes that the “DMA approach is a more accurate reflection of a station’s local market” (*id.*), MSTV’s proposal that service expansion be permitted only “into traditionally underserved rural areas” (MSTV Comments at 11) suggests that only stations located in urban areas, traditionally the sanctuary of large, established broadcasters, should be permitted to serve that expanded market, while small business and minority-owned broadcasters, which typically operate in these outlying, rural areas, would remain unable to compete with their larger counterparts in these urban areas. The Commission should reject this proposal for what it is – an inequitable double standard that would benefit almost exclusively large, established broadcasters at the expense of small business and minority-owned broadcasters, which would be locked into their existing competitive disadvantage.

Instead, the Commission should allow all stations that utilize DTS to provide service within their assigned DMA, at least on a secondary basis, and thereby enable small business and minority-owned broadcasters to compete effectively in the markets in which they are located.

Respectfully submitted,

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